

METROPOLITAN DEVELOPMENT COMMISSION  
DOCKET NUMBER 92-AO-1  
CITY-COUNTY COUNCIL GENERAL  
ORDINANCE NO. G.O. 4, 1992

Original: 89-AO-2  
Amending: 90-AO-3

ZONING ORDINANCE 92-AO-1  
AMENDING  
THE DWELLING DISTRICTS ZONING ORDINANCE  
OF  
MARION COUNTY, INDIANA

ADOPTED:

MDC February 5, 1992  
CITY-COUNTY  
COUNCIL February 24, 1992

Department of Metropolitan Development  
Division of Development Services

METROPOLITAN DEVELOPMENT COMMISSION

DOCKET NO. 92-AO-1

CITY-COUNTY GENERAL ORDINANCE NO. G.O. 4, 1992

AN ORDINANCE to amend the Marion County Council Ordinance No. 8-1957, as amended, the Zoning Ordinance for Marion County which ordinance includes the Dwelling Districts Zoning Ordinance, and fixing a time when the same shall take effect.

NOW, THEREFORE BE IT ORDAINED BY  
THE CITY-COUNTY COUNCIL OF THE CITY OF INDIANAPOLIS  
AND OF  
MARION COUNTY, INDIANA AS FOLLOWS:

SECTION 1. The Dwelling Districts Zoning Ordinance of Marion County, Indiana, adopted under Metropolitan Development Commission Docket Number 89-AO-2, pursuant to IC 36-7-4, as amended, be further amended as follows:

- A. That Section 2.00, A., 1., be amended by inserting the underscored language as follows:
  - 1. With the exception of legally established nonconforming uses, no land, building, structure, premises or part thereof shall be used or occupied except in conformity with these regulations and for uses permitted by this ordinance. Signs, however, are regulated by the Sign Regulations of Marion County, Indiana, 71-AO-4, as amended.
- B. That Section 2.00, A., 3., be amended by inserting the underscored language as follows:
  - 3. No building, structure, premises or part thereof shall be constructed, erected, converted, enlarged, extended, reconstructed or relocated except in conformity with these regulations and for uses permitted by this ordinance with the exception of signs, which are regulated by the Sign Regulations of Marion County, 71-AO-4, as amended, and of the following provisions:

- C. That Section 2.00, A., 7., b., (4), iv., (c) be amended by deleting the crosshatched language and inserting the underscored language as follows:
- (c) The minimum side yard setback shall have a minimum depth in accordance with Section 2.00, A., 6., Side Yard Setback - Zero Lot Line Option/ with the exception that provision 2.00, A., 6, c. shall not apply when utilizing the Cluster Subdivision Exception.
- D. That Section 2.00, A., 3., f. be deleted.
- E. That Section 2.01, B., 2. be amended by inserting the underscored language as follows:
2. MINIMUM LOT AREA Minimum lot area: Three (3) acres, unless subject to Section 2.01, C, D-A District Exceptions.
- F. That Section 2.01, B., 3., 4., 5., 6., 7., be amended by inserting the underscored language to the end of each subsection paragraph:
- These provisions may be subject to the exceptions of Section 2.01, C, D-A District Exceptions.
- G. That Section 2.01 be amended by inserting the following language as subsection C.:
- C. D-A DISTRICT EXCEPTIONS
1. EXISTING DWELLING ON A LOT DEVELOPED PRIOR TO DECEMBER 20, 1989 Any single-family dwelling on any lot in the D-A District, developed prior to December 20, 1989 under the applicable A-1 or A-2 Agricultural District standards of the Marion County Master Plan Permanent Zoning Ordinance, may be converted, enlarged, extended, reconstructed or relocated if such activity is carried out in accordance with the previously applicable standards for the lot.

However, the previously applicable size limitations for garages and other accessory use standards found in the A-1 or A-2 Districts shall not apply, but rather the standards of the D-A District of this ordinance shall apply.

2. VACANT LOT  
RECORDED  
PRIOR TO  
DECEMBER 20,  
1989

For any lot or platted lot in the D-A District recorded prior to December 20, 1989, having less than the minimum lot area or minimum lot width required by the D-A District regulations of this ordinance, the following development standards may be applied to the lot, rather than those listed for the District:

- a. Minimum lot width at the required setback line: eighty (80) feet.
- b. Minimum street frontage: eighty (80) feet on a public street right-of-way.
- c. Minimum rear yard: fifteen (15) feet.
- d. Minimum side yard: aggregate - twenty-four (24) feet, provided no side yard shall be less than twelve (12) feet.

3. EXCEPTION TO  
THE ACCESSORY  
USE REGULA-  
TIONS OF  
SECTION 2.19  
RELATIVE TO  
AGRICULTURAL  
ENTERPRISES

For those lots on which an agricultural enterprise is being conducted, the accessory use requirements of Section 2.19, B, 1, a, and c shall not apply.

H. That Section 2.01, subsection B., 3., b., and Sections 2.02, 2.03, 2.04, 2.05, 2.06, 2.07, 2.08, 2.12, and 2.16, subsection B., 2., b., be amended by inserting the following underscored language:

- b. ... feet of frontage on a public street and shall gain direct access from either said street or an abutting alley.

I. That Section 2.12, B., 1., be amended by deleting the crosshatched language and inserting the underscored language as follows:

1. MINIMUM LOT AREA	There shall be no required lot area other than the land area necessary to provide for the development requirements of paragraphs 2, 3, and <u>§ 4 and 6</u> of this subsection B.
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J. That Section 2.12, B., 4., be amended by deleting the crosshatched language and inserting the underscored language as follows:

4. MINIMUM OPEN SPACE	Minimum open space: <del>Sixty-five</del> <u>(55) fifty-five (55)</u> percent of the lot area.
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K. That the heading of Section 2.19, B., be amended by deleting the crosshatched language and inserting the underscored language as follows:

B. ACCESSORY USE ~~REQUIREMENTS~~ DEVELOPMENT STANDARDS

L. That Section 2.19, B., 2., c., be amended by deleting the crosshatched language and inserting the underscored language as follows:

c. Structural barriers (including, by way of example, a chain link or solid fence, architectural screen, lattice-work or masonry wall), dense landscape plantings (including, by way of example, a continuous hedge of deciduous or evergreen shrubs), shrubs and trees shall be permitted in ~~minimum/required~~ front, side and rear yards provided that:

- (1) The height of any structural barrier shall not exceed six (6) feet.

Provided, however:

- i. Any structural barrier in the required front yard shall not exceed forty-two (42) inches in height.
- ii. The measurement of fence height shall be taken from the ground level to the top of the fence, exclusive of fence posts (See Section 2.25, Diagram G).
- iii. Grade mounding, inconsistent with the ground level of the land surrounding the fence, which increases the elevation of the fence, will be included in the measurement of the fence height (See Section 2.25, Diagram H).
- iv. Fence posts may exceed the maximum height by one (1) foot (See Section 2.25, Diagrams G, H, or I).
- v. The fence itself may exceed the maximum height by an amount equal to an accompanying drop in topography along the linear run of the fence at that portion of the lot, and shall only exceed the maximum height at that location. In no case, however, shall the fence height exceed eight feet (See Section 2.25, Diagram I).
- vi. Barbed wire, razor wire and similar type wires shall not be permitted in any residential district as a part of a structural barrier except in the D-A District, where it may be used only in conjunction with an agricultural enterprise.
- vii. No structural barrier shall be electrified in any manner which could provide for an electrical shock if touched except in the D-A District, where it may be used only in conjunction with an agricultural enterprise.

M. That Section 2.19, B., 3., b., (2), be amended by deleting the crosshatched language and inserting the underscored language as follows:

b. The pool or tub area shall be enclosed by a fence ~~structural/barrier~~, which shall be adequate to prevent persons, children or animals from danger or harm, and shall be equipped with a self-closing, self-latching gate. Such structural barrier shall be a chain-link, ornamental, or solid fence or wall, and:

(1) if erected on grade, the fence shall be not less than five (5) feet in height; or,

(2) if erected on the deck of an above ground pool or hot tub, the fence or structural barrier on the deck shall be not less than thirty-six (~~30~~ 36) inches in height.

N. That Section 2.19, C. 3., be amended by inserting the underscored language as follows:

3. No commercial motor vehicle or trailer shall be parked, stored, maintained or kept on any property in a Dwelling District, (except those vehicles with a maximum load capacity of three-quarters (3/4) of a ton or less and which serve as the sole vehicular transportation of a resident of the property upon which it is parked, stored, maintained or kept) unless it is within a garage or carport which complies with all the standards and regulations of this ordinance. Commercial motor vehicles that are in the course of making normal and reasonable service calls are exempt from this provision.

O. That Section 2.21, C. and D., be amended by deleting the cross-hatched language and inserting the underscored language as follows:

C. ~~PUBLIC~~ STREET REQUIREMENTS

1. Clear Sight Triangular Area.

The following provisions shall apply to all streets, interior access drives or interior access driveways, whether public or private:

All landscape plantings, structural barriers, shrubs, trees structures or other objects, temporary or permanent, shall permit completely unobstructed vision within a clear sight triangular area between the heights of two and one half (2 1/2) and nine (9) feet above the crown of the streets, drives, or driveways. A clear sight triangular area shall be established as one of the following, (See Section 2.25, Diagram F):

- a. On a corner lot, the clear sight triangular area is formed by the street right-of-way lines, the pavement edge of the drives or driveways and the line connecting points twenty-five (25) feet from the intersection of such street right-of-way lines and pavement edge lines; or in the case of a round or cut property corner, from the intersection of the street right-of-way lines and pavement edge lines extended; or,
- b. On a lot adjacent to an at-grade railroad crossing, the clear sight triangular area is formed by the lot line coterminous with the railroad right-of-way, the street right-of-way line or pavement edge line, and the line connecting points twenty-five (25) feet from the intersection of such lines; and,
- c. On a lot which has a driveway, abuts an alley or which is next to a lot which has a driveway, the two clear sight triangular areas are formed by the street right-of-way line, both sides of either the alley right-of-way or of the surface edge of the driveway, and the line connecting points ten (10) feet from the intersection of the street right-of-way and driveway or alley lines extended.

2. Requirements for Public Streets.

1/

- a. All public streets shall be dedicated to the public and improved and constructed in accordance with the standards set forth in the Subdivision Control Ordinance of Marion County, Indiana and/ General Ordinance No. 49 ~~and~~ including the Indianapolis Department of Transportation Standards for Street and Bridge Design and Construction.



2/

b. The right-of-way of all streets within the project, which are indicated on the Official Thoroughfare Plan for Marion County, Indiana, or which have been required by zoning, variance, or platting commitment, condition, covenant or parole covenant, to be constructed to specific standards based upon their proposed functional classification shall be dedicated to the public, or the right-of-way thereof shall be reserved for the future.

3/ All/landscape/plantings//structural/barriers/shrubs//trees//or/other/objects/shall/permit/completely/unobstructed/vision/wixhin/a/clear/sight triangular/area/between/the/heights/of/two/and one/half/(2 1/2)/and/nine/(9)/feet/above/the crown/of/the/streets//drives//or/driveways//A clear/sight/triangular/area/shall/be/established as/one/of/the/following/

a/ On/a/corner/lot//the/clear/sight/triangular area/is/formed/by/the/street/right-of-way lines//the/pavement/edge/of/the/drives/or driveways/and/the/line/connecting/poins twenty-five/(25)/feet/from/the/intersection/of such/street/right-of-way/lines/and/pavement edge/lines//or/in/the/case/of/a/round/or/cut property/corner//from/the/intersection/of/the street/right-of-way/lines/and/pavement/edge lines/extended//or

b/ On/a/lot/adjacent/to/an/at-grade/railroad crossing//the/clear/sight/triangular/area/is formed/by/the/lot/line/coterminous/wixh/the railroad/right-of-way//the/street/right-of-way/line/or/pavement/edge/line//and/the/line connecting/poins/twenty-five/(25)/feet/from the/intersection/of/such/lines/

D/ REQUIREMENTS/FOR/ALL/PRIVATE/STREETS//INTERIOR/ACCESS DRIVEWAYS//AND/INTERIOR/ACCESS/DRIVES/FOR/ATTACHED MULTIFAMILY/DWELLING/PROJECTS/AND/MOBILE/DWELLING PROJECTS/AND/PLANNED/UNIT/RESIDENTIAL/DEVELOPMENTS/

3. Requirements For All Private Streets, Interior Access Driveways and Interior Access Drives For Attached Multifamily Dwelling Projects, Mobile Dwelling Projects and Planned Unit Residential Developments.

1/

- a. All private streets, interior access driveways and interior access drives for attached multifamily projects ~~and~~, mobile dwelling projects and planned unit residential developments shall meet the minimum standards for construction, materials for use in construction, and design as specified by the "Standard Specifications", Indiana Department of ~~Highways~~ Transportation (8-17-1-39), the Indiana Department of ~~Highway~~ Transportation Supplemental Specifications, and the Indianapolis Department of Transportation (DOT) Standards for Street and Bridge Design and Construction. In the event DOT specifications conflict with the Indiana Department of ~~High~~ways Transportation "Standard Specifications", the most stringent specifications shall govern.

The "Standards Specifications" of the Indiana Department of ~~Highways~~ Transportation is incorporated into this ordinance by reference. Two copies of the "Standard Specifications" are on file and available for public inspection in the office of the Division of Development Services.

Provided, however, that the standard specifications incorporated into this ordinance shall be modified as follows:

- a/ (1) Curbing shall not be required in the development of private street, private access driveways and private interior access drives for attached multifamily projects.
- b/ (2) Private interior streets, private interior access drives and private interior access driveways for attached multifamily projects, mobile dwelling projects and planned unit residential developments, shall have a minimum width, including gutters, and, if required, curbing, of:
- One-way, no parking - twelve (12) feet.
  - One-way, parking on one side of the street only - twenty (20) feet.
  - Two-way, no parking - twenty (20) feet.
  - Two-way, parking on one side only - twenty-seven (27) feet.
  - Two-way, parking on both sides of the street - thirty-six (36) feet.

2/ b. Private street, private interior access drives and private interior access driveways shall be privately maintained (not by governmental agencies) in good condition and free of chuckholes, standing water, weeds, dirt, trash and debris.

3/ All/landscape/plankings//structural/barriers/shrubs//trees//or/other/objects/shall/permit completely/unobstructed/vision/within/a/clear sight/triangular/area/between/the/heights/of/two and/one/half/(2/1/2)/and/nine/(9)/feet/above/the crown/of/the/streets//drives//or/driveways//A clear/sight/triangular/area/shall/be/established as/one/of/the/following/

a/ On/a/corner/lot//the/clear/sight/triangular area/is/formed/by/the/street/right-of-way lines//the/pavement/edge/of/the/drives/or driveways/and/the/line/connecting/points twenty-five/(25)/feet/from/the/intersection/of such/street/right-of-way/lines/and/pavement edge/lines//or/in/the/case/of/a/round/or/cut property/corner//from/the/intersection/of/the street/right-of-way/lines/and/pavement/edge lines/extended//or

b/ On/a/lot/adjacent/to/an/at-grade/railroad crossing//the/clear/sight/triangular/area/is formed/by/the/lot/line/coterminous/with/the railroad/right-of-way//the/street/right-of-way/line/or/pavement/edge/line//and/the/line connecting/points/twenty-five/(25)/feet/from the/intersection/of/such/lines/

4/ c. The owner or project management, homeowners' association or other similar organization shall maintain all sidewalks, pedestrian ways, private streets, interior access drives, interior access driveways and parking areas in good repair and reasonably free of chuckholes, standing water, mud, ice and snow.

D. RESERVED

P. That Section 2.21, 2., b., be amended by deleting the cross-hatched language and inserting the underscored language as follows:

- b. Within the perimeter yards, there shall be at least one tree planted or maintained for every ~~twenty~~ (20) thirty (30) feet of total linear distance along all perimeter yard property lines. Required trees may be grouped together in the perimeter yard, however, in no case shall spacing between said trees exceed sixty (60) feet on center. (Refer to Diagram E).

Q. That Section 2.25, B., 2., be amended by inserting the underscored language as follows:

- 2. ACCESS The way by which vehicles shall have ingress to and egress from a land parcel or property and either the street fronting along said property or parcel or an abutting alley.

R. That Section 2.25 be amended by inserting the Diagrams as follows on page 12 and 13:

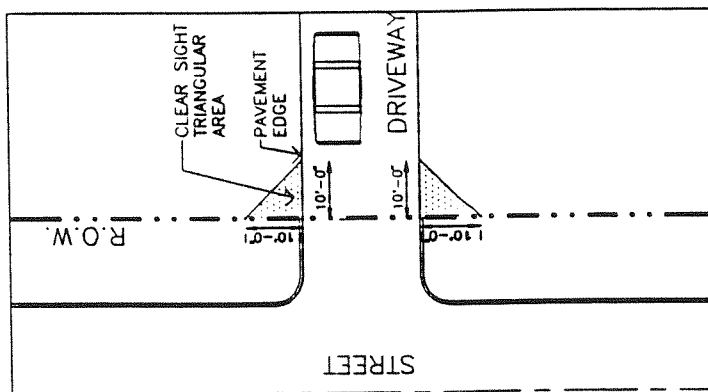
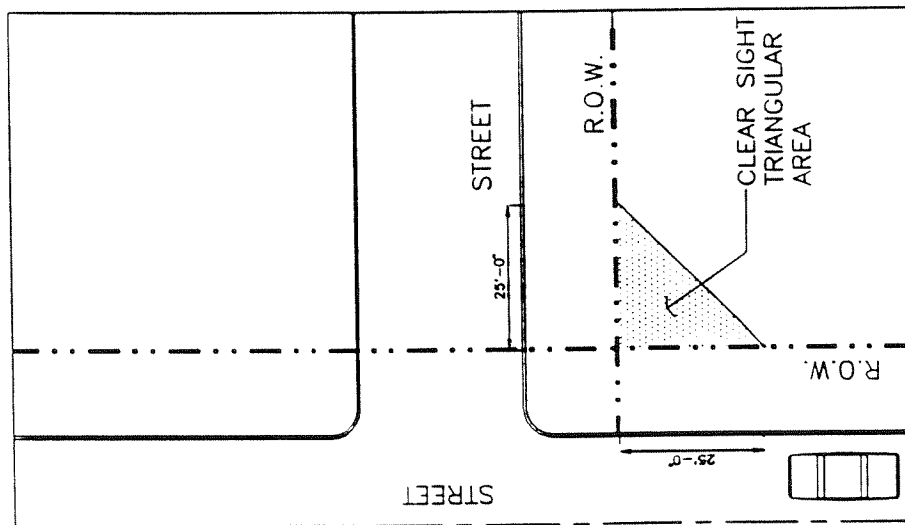


DIAGRAM F  
 CLEAR SIGHT TRIANGULAR AREA  
 EXAMPLES

NO SCALE

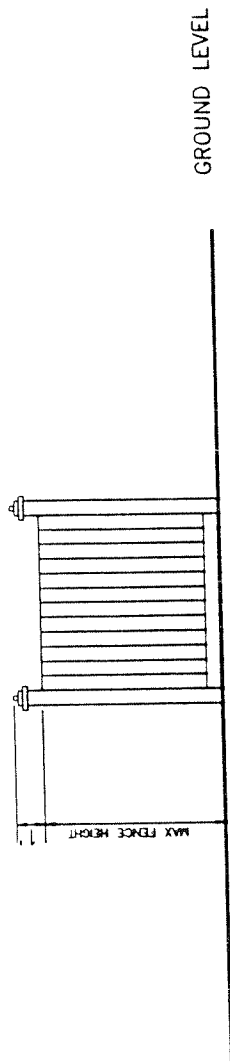


DIAGRAM G

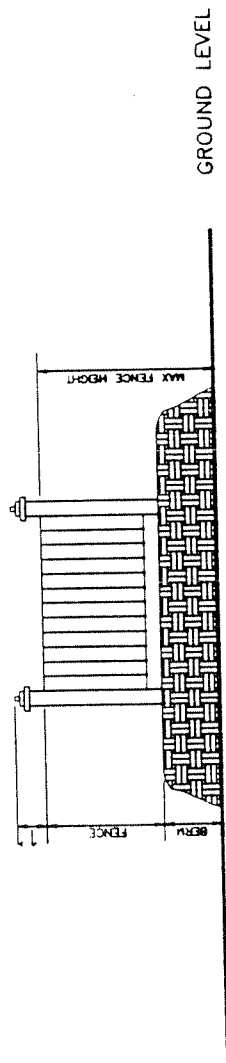


DIAGRAM H

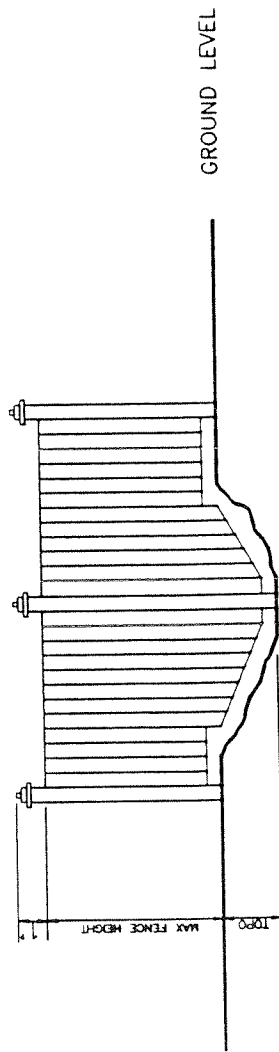


DIAGRAM I

# FENCE REQUIREMENTS

NO SCALE

SECTION 2. If any provision of this ordinance shall be held invalid, its invalidity shall not affect any other provisions of this ordinance that can be given effect without the invalid provision, and for this purpose the provisions of this ordinance are hereby declared to be severable.

CITY-COUNTY COUNCIL OF INDIANAPOLIS  
AND OF MARION COUNTY, INDIANA

\_\_\_\_\_  
President (or Presiding Officer)

Date: \_\_\_\_\_

Attest: \_\_\_\_\_  
(Clerk)